

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Attorney Docket No.: 004770.00032)

In the Application of: )  
Anttila )  
Serial No.: 10/066,631 )  
Filed: 02/04/2002 )  
For: Instant Tune-Alerts System - )  
A Remotely Operated Media Tuner )  
Examiner: OANH T BUI  
Group Art Unit: 2623

**DECLARATION UNDER 37 C.F.R. §1.131**

We, Akseli Anttila and Younghee Jung, declare as follows:

1. We are the inventors of claims 1 - 32 of the above-captioned patent application.
2. We are employed as Software Engineers by Nokia Corporation, the assignee of the entire right, title, and interest in the above-captioned patent application.
3. We understand that U.S. Patent No. 6,915,528, filed by Thomas P. McKenna, Jr. on Nov. 14, 2001 ("the McKenna Patent"), which is a continuation-in-part of U.S. App. No. 09/909,468, filed on July 19, 2001 has been cited against claims 1-32 of the above-captioned patent application.
4. We conceived of the invention disclosed and claimed in claims 1 – 32 of the above-captioned patent application before July 19, 2001, and, along with my patent attorneys, was diligent in the preparation of the above-captioned patent application up to the filing of same on February 4, 2002. The following facts evidence and support diligence from before July 19, 2001 (19.07.2001) until the filing of the above-captioned patent application:
  - a. On March 16, 2001, we met with Mr. Ari Aarnio, a Patent Engineer at Nokia Corporation assigned to the above-captioned application to discuss concepts that comprise the subject matter of at least claims 1 – 32.

demonstrates diligence from before July 19, 2001 until the filing of the above-captioned patent application and the constructive reduction to practice of my invention.

6. All acts described in this Declaration were performed in the United States and/or a WTO country.

7. I declare further that all statements made herein are of my own knowledge and are true; that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like, so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this patent application or any patent issuing thereon.



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Akseli Anttila

Dated: 30 AUGUST 2006

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Younghée Jung

Dated: \_\_\_\_\_

demonstrates diligence from before July 19, 2001 until the filing of the above-captioned patent application and the constructive reduction to practice of my invention.

6. All acts described in this Declaration were performed in the United States and/or a WTO country.

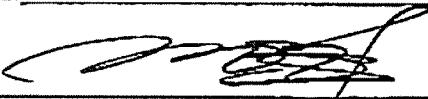
7. I declare further that all statements made herein are of my own knowledge and are true; that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like, so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this patent application or any patent issuing thereon.

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Akseli Anttila

Dated: \_\_\_\_\_

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Younghhee Jung

Dated: AUGUST 30, 2006

- b. On April 24, 2001, we submitted a completed internal Invention Report entitled "Instant tune-alerts system – A remotely operated media tuner" describing and enabling the subject matter of claims 1 – 32. (first page of Report attached hereto as Exh. A);
- c. On May 2, 2001, we exchanged electronic correspondence amongst each other that documents ongoing work refining ideas of the concepts since disclosure to Mr. Ari Aarnio on March 16, 2001 as described in (a). The electronic correspondence comprised a file demonstrating subject matter of claims 1 – 32. (electronic correspondence attached hereto as Exh. B; redacted portion of the file attached to electronic correspondence is attached hereto as Exh. C).
- d. On October 25, 2001, Mr. Ari Aarnio, transmitted an order letter to the law firm of Banner & Witcoff, LTD. instructing to "[p]lease start to draft a new Patent Application". The order letter included the completed Invention Report. (redacted correspondence attached hereto as Exh. D);
- e. On November 20, 2001, one of my patent attorneys at Banner & Witcoff, LTD., Mr. Chuck Miller, provided a draft of the above-captioned patent application. (correspondence attached hereto as Exh. E);
- f. On January 14, 2002, comments to the first draft were provided to Mr. Miller regarding the first draft (redacted correspondence attached hereto as Exh. F);
- g. On January 31, 2002, Mr. Chuck Miller provided the final draft of the above-captioned patent application. (redacted correspondence attached hereto as Exh. G); and
- h. On February 4, 2002, the above-captioned patent application was filed in the United States Patent and Trademark Office.

5. The documented conception, meetings, and subsequent correspondence among the NOKIA software engineers and patent engineers coupled with the external exchange of draft applications and correspondence with our patent attorneys

# **EXHIBIT A**



## INVENTION REPORT

1 (6)

Nokia Research Center  
Anttila, Jung

24.4.2001

### Instant tune-alerts system - A remotely operated media tuner

Invention report describing a system for sending messages to a media player (e.g. AM, FM, shortwave, TV, streaming media player) for tuning the player to a specific channel or program. This system is used within a community of peers to alert members of the existence of relevant programming.

Anttila Akseli  
Jung Younghée

#### 1. PROBLEM

Enjoying media – music, radio, television – is a highly social event. People want to share the experience of enjoying a good song or video with their friends. They want to talk about the feelings and ideas the performance has raised. So far, practically the only way people have been able to enjoy a performance **together** has been to be in the same location at the same time. People are also active in urging their friends and peers to listen to the kind of music they like, or to see the TV shows they appreciate, thus strengthening the social bonds between them. So far there has been no practical way to transfer the music or show information, except word of mouth leading (or not) to independent action by the other user.

This paper proposes a solution for sharing media consumption experiences via mobile devices among people who are not in the same physical location.

# **EXHIBIT B**

>-----Original Message-----

>From: Anttila Akseli (NRC/Helsinki)  
>Sent: 02 May, 2001 22:52  
>To: Jung Younghee (NRC/Helsinki)  
>Subject: Kseme IPR notes  
>  
>Hi,  
>here's the stuff I scribbled down today  
>Aksu



ari\_kseme\_inventio  
ns20010316.d...

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# **EXHIBIT C**

*tunemessenger* 6) He can also send instant tune-Alerts through the phone to his friends whenever a cool tune is playing, telling them to tune in on the channel.

*tunemessenger* 7) Whenever a particularly good tune is being streamed, he can send Tune-Alerts to his online and mobile buddies to tune in on the same channel [REDACTED]

[REDACTED] I will find it interesting therefore I will send the informatoon to my friend so that it automatically will start listen to the same channel where music is coming (if the information matches with my profiles)

8) [REDACTED]

# **EXHIBIT D**



## ORDERLETTER

1 (2)

NVO  
Ari Aarnio

25.10.2001

Banner & Witcoff Ltd  
1001 G Street, N.W.  
Washington, DC 200001-4597  
USA

25.10.2001

Re: Intended U.S. Patent Application

Entitled INSTANT TUNE-ALERTS SYSTEM - A REMOTELY OPERATED MEDIA TUNER

Your Ref:

Our Ref: 28557

Rating: 2

Inventors: Akseli Anttila,  
Jung Younghee,

[REDACTED]  
[REDACTED]  
[REDACTED]

00200 HELSINKI,  
00170 HELSINKI,

FINLAND  
FINLAND

Please start to draft a new Patent Application in the name of Nokia Corporation. The patent application shall be filed according to the following information:

**Assignee:** Nokia Corporation

**Street Address:** Keilalahdentie 4, FIN-02150 ESPOO, FINLAND

**Post Address:** P. O. Box 226, FIN-00045 NOKIA GROUP, FINLAND

**Inventor/s:** as above

[REDACTED]  
[REDACTED]  
[REDACTED]

Enclosed please find the invention report and some prior art documents relating the invention.

Declarations and Assignments:

Please kindly send us the Declarations and Assignments with the final draft of the patent application. We highly appreciate that you will file these documents together with the patent application.

Drafts and Patent Applications:

Please kindly send us the patent application as filed in electronic format. Either through encrypted email or on a disk.

We will kindly request You to declare Ari Aarnio at least the following day that the patent application is filed to the Patent Office in order that we are able to update our monthly filing report.



## ORDERLETTER

2 (2)

NVO  
Ari Aarnio

25.10.2001

The Confirmation and filing report and invoices shall be sent to:

Nokia Corporation, Att: Ari Aarnio,  
P.O.Box 228, FIN-00045 NOKIA GROUP, FINLAND

Tel. +358 40 5620437 and Fax +358-9-51162010

email contact: [ari.aarnio@nokia.com](mailto:ari.aarnio@nokia.com)

The invoices must be addressed to Nokia Corporation in the same address as the name and address in the application.

Official Actions shall be addressed to Ari Aarnio.

Foreign Filing:

The Attorney will send a reminder letter at 8 months after the priority date and possible other letters when no instructions are informed. They will be addressed to Ari Aarnio.

If you have anything to ask, please feel free to contact us.

Yours very truly,

Ari Aarnio

Encls.

# EXHIBIT E

----Original Message----

From: Patent-Agency Banner-Witcoff (EXT-RES/Washington)  
Sent: 20 November, 2001 22:22  
To: Aarnio Ari (NVO/Helsinki)  
Subject: First Draft Application NC 28557 (B&W4770.00032)

Dear Ari:

Please find attached a first draft patent application and figures for the above referenced matter. Please have the inventor(s) review the draft and provide us with any comments.

As always, please feel free to contact us with any questions.

Chuck Miller  
Banner & Witcoff, Ltd.

CC: Pease, Pamela Beth

# **EXHIBIT F**

**From:** Bradley Wright  
**To:** Miller, Charles  
**Date:** 1/14/02 7:45AM  
**Subject:** comments from Ari

Chuck, see comments from Ari below. Please prepare dec/assign to send with next draft, which should be ready for filing. Thanks, Brad

From: Aarnio Ari (NVO/Helsinki)  
To: Patent-Agency Banner-Witcoff (EXT-RES/Washington)  
Cc:

Subject: RE: First Draft Application NC 28557 (B&W4770.00032)  
Sent: 1/14/02 8:57 AM  
Importance: Normal  
Chuck,

I apologize for the delay. Here are now the comments:

Please find below some comments on the 28557 patent application "Tune alerts for remotely adjusting a tuner".

A stack of approximately 15 thick, black, horizontal bars representing redacted content. The bars are arranged in a slightly staggered, overlapping fashion from top to bottom. There are some thin white lines and small marks visible between the bars, suggesting they were once part of a larger document or list.

# **EXHIBIT G**

| ⌂ | ⌂ | ⌂ | ⌂ | ⌂ | X | ▲ | ▼ | ?



For  
File

From: Patent-Agency Banner-Witcoff (EXT-RES/Washington)  
To: Aarnio Ari (NVO/Helsinki)  
Cc:  
Subject: Final Draft for (NC 28557; BW 04770.00032)  
Sent: 1/31/02 9:06 PM

Importance: Normal

Mr. Aarnio:

Attached is a final draft of the above-referenced application and figures, forwarded on behalf of Chuck Miller. Also attached are the declaration and assignment forms for the inventors signature. Please let us know if you have any questions or comments.

Many thanks,  
Pam Pease  
Asst. to Brad Wright  
Banner & Witcoff, Ltd.

[REDACTED]